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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

In Re. No. C 08-285 SI (pr)
MARVIN WOODARD,
Plaintiff.

ORDER OF DISMISSAL

This action was opened when the court received from Marvin Woodard a letter to Judge Jensen discussing the federal sentencing guidelines and asking for the court to order that he be permitted access to a law library at a Cornell Corrections facility in San Francisco, where he currently is housed. The clerk opened a case file for the action and sent out a notice that the action was deficient due to the failure to pay the filing fee or furnish a completed and signed court-approved in forma pauperis application. Plaintiff was advised that failure to pay the fee or file the application materials within thirty days would result in dismissal of the action. Plaintiff then filed an incomplete in forma pauperis application and attached to it a letter asking that the action be dismissed because he did not intend to file an action. See 2/2/08 letter attached to docket # 4 ("At the time I was sent I had know intention of filing a Civil action. I only sent a letter the judge Jensen to assist me into gaining excess to the law library." (errors in source).)

In light of Woodard's explanation that the letter he sent to Judge Jensen was not intended to be a new action, this action is DISMISSED because it was opened in error. The in forma pauperis application is DENIED. (Docket # 4.)

IT IS SO ORDERED.

Dated: July 15, 2008


SUSAN ILLSTON
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

MARVIN WOODARD,

Case Number: CV08-00285 SI

Plaintiff,

CERTIFICATE OF SERVICE

v.

/ et al,

Defendant.

/

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on July 15, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Marvin Woodard Reg. No. 98908-011
23972 Second Street, Apt 3
Hayward, CA 94541

Dated: July 15, 2008

Richard W. Wierking, Clerk
By: Tracy Sutton, Deputy Clerk

